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 22 SAP AKTIENGESELLSCHAFT

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 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

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 30 SAP AKTIENGESELLSCHAFT, a
 31 German corporation,

32 Plaintiff,

33 v.

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 35 i2 TECHNOLOGIES, INC., a Delaware
 36 corporation,

37 Defendant.

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 39 Case No. 4:07-cv-04187 SBA

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**STIPULATION AND [PROPOSED]
 ORDER REGARDING CONDITIONAL
 DISMISSAL PENDING FINALIZATION
 OF SETTLEMENT**

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 47 WHEREAS, the parties have entered into a Settlement Agreement (“Agreement”)
 48 covering this action and an action pending in the Eastern District of Texas, and

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 50 WHEREAS under the terms of that Agreement, that parties will stipulate to dismissal of
 51 all claims and counterclaims with prejudice following the satisfaction of certain conditions, but

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 53 WHEREAS satisfaction of said conditions is not expected to occur for several weeks:

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The parties respectfully request a conditional dismissal of the proceedings to permit the aforementioned conditions to be satisfied.

Accordingly, having been notified that the parties have reached a settlement in this matter, all claims and counterclaims are hereby dismissed with prejudice. In the event that the settlement is not finalized, any party may move to reopen this matter within sixty (60) days.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: July 16, 2008

By: /s/ Michael J. Sacksteder
Michael J. Sacksteder

FENWICK & WEST LLP

Attorneys for Plaintiff
SAP AKTEINGESELLSCHAFT

Dated: July 16, 2008

By: /s/ Andrew W. Spangler
Andrew W. Spangler

SPANGLER LAW P.C.

Attorneys for Defendant
i2 TECHNOLOGIES, INC.

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Michael Sacksteder, attest that concurrence in the filing of this document has been obtained from any signatories indicated by a “conformed” signature (/s/) within this e-filed document.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 16th day of July, 2008, at San Francisco, California.

Dated: July 16, 2008

FENWICK & WEST LLP

By: /s/ Michael J. Sacksteder
Michael J. Sacksteder

Attorneys for Plaintiff
SAP AKTEINGESELLSCHAFT

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1 **ORDER**
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4 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**
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7 Dated: _____, 2008
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10 _____
11 The Honorable Saundra Brown Armstrong
12 United States District Judge
13 Northern District of California
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FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW